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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,682	12/06/2000	Glen Tindal	CNTW-006/00US	8202

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/730,682	TINDAL ET AL.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 21-29 and 32-33 are pending.
2. Amendment filed 03/30/2006 has been received and considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 22, 24, 26 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Doolan (US 5764955).

As per claims 21 and 33, Doolan discloses gathering information from at least one source that uniquely and generically indicates desired capabilities of a network device (see column 12 lines 33-40); obtaining actual-configuration data for the network device, wherein the actual-configuration data corresponds to existing capabilities of the network (see column 12 lines 40-50); and altering the actual-configuration data in accordance with the gathered information so as to generate a configuration record for the network device; wherein the

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configuration record represents a physical configuration for the network device that enables the network device to provide the desired capabilities and the configuration record generically represents the physical configuration for the network device, and wherein the configuration record is usable to effectuate the physical configuration for the network device that enables the network device to provide the desired capabilities by enabling code that is specific to the network device to be generated and sent to the network device in response to the alteration of the actual configuration data (see column 11 line 65 through column 12 line 32).

As per claim 22, Doolan discloses storing configuration data in a central repository (see column 12 lines 33-35).

As per claims 24 and 26, Doolan discloses storing substantially all commands capable of configuring the network device (see column 11 line 65 through column 12 line 12 and lines 33-50).

5. Claims 27-28 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al (US 5832503).

As per claim 27, Malik et al discloses gathering first configuration data from at least one source that uniquely and generically indicates desired capabilities of the network device (see column 2 lines 14-21); retrieving second configuration data

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for the network device, the second configuration data including information about how the network device is currently configured to operate (see column 3 lines 16-20); generating the configuration record by combining the first configuration data and the second configuration data into a configuration record for the network device, wherein the configuration record represents a physical configuration for the network device that enables the network device to provide the desired capabilities is storing the configuration record in a repository of configuration records (see column 2 lines 21-42 and figure 3).

As per claims 28, Malik et al discloses the first configuration data includes commands not corresponding to the current configuration of the network device (see figure 3).

As per claim 33, Malik et al discloses the configuration record generically represents the physical configuration for the network device, and wherein the configuration record is usable to effectuate the physical configuration for the network device that enables the network device to provide the desired capabilities by enabling code that is specific to the network device to be generated and sent to the network device (see column 2 lines 14-42 and column 3 line 54 through column 4 line 10).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan as applied to claim 21 above, in view of Malik et al.

Doolan fails to disclose retrieving the actual configuration data directly from the network device.

However Malik et al teaches such retrieval (see column 3 lines 15-20).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to obtain the actual configuration data of Doolan directly from the device.

Motivation to do so would have been to an administrator to manage the device (see column 3 lines 15-22).

8. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan as applied to claim 21 above, and further in view of Misheski et al (US 5878432).

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As per claim 25, Doolan fails to disclose storing previous versions and pointers to the previous versions.

However, Misheski et al teaches such versions and pointers (see column 13 lines 31-45).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Misheski et al's stored versions to store the configuration data of Doolan.

Motivation to do so would have been to keep tract of the version history (see column 13 lines 31-45).

9. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al as applied to claim 28 above, and further in view of "Common Information Model - A Developer's Perspective" (hereinafter IEEE).

As per claim 29, Malik et al fails to disclose the data include CIM data.

However, IEEE teaches CIM (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the Malik et al system's data to include CIM data.

Motivation to do so would have been that CIM is an industry standard.

Response to Arguments

10. Applicant's arguments with respect to claim 21-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cox et al (US 5535335) teaches the use of a configuration record.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER